

## Strategic Insight

### Kosovo: Time for the Hard Decisions

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The average reader of a major U.S. newspaper in the last month or so, whose attention would be drawn to plans for military action against Iraq, violence in the West Bank, and the continuing hunt for al Qaeda, could be forgiven for missing an item buried somewhere on page 10 or 20. This brief article would have provided an account of recent demonstrations in Pristina, the capital of Kosovo, against the U.N. Mission administering that province. The demonstrators' ire was raised by the arrest of over a dozen former Kosovo Liberation Army (KLA) fighters, on charges of having murdered fellow ethnic Albanians since the end the war in 1999. While these men will be tried by local U.N. courts, the protesters were well aware that the International Tribunal in The Hague is close to issuing its first indictments against ethnic Albanians for war crimes committed during the fighting, principally against Serb civilians. This item alone might not be of particular interest to most Americans, but it is an indication of far greater problems looming on the horizon.

Since September 11 of last year, a number of issues have understandably been relegated to the back burner of U.S. foreign policy, among them the future of the Balkans. Given more recent events, as well as the American public's short historical attention span, our involvement in Bosnia and Kosovo now seems a distant memory. Nevertheless, those responsible for our nation's foreign policy cannot afford to ignore that region. A number of issues need to be settled in the next few years, and how they are handled will have ramifications far beyond that unhappy peninsula. This is a matter not only of regional stability, but of America's consistency and morality on the world stage.

As a starting point, there is a need to address the fundamental paradox that emerged in our Balkan policy in the last decade. This was the contradiction between supporting the survival of a multi-ethnic state (Bosnia-Herzegovina) on the one hand, versus ethnic separatist aspirations (Kosovo) on the other. During the years of Slobodan Milosevic's brutal kleptocracy, it was possible to manage this contradiction, because our primary objective was to contain him and counter the violence he unleashed. The triumph of electoral democracy in Yugoslavia deprived us of this luxury. The issue of what eventually will become of Kosovo must be confronted, sooner rather than later.

The elections held in the province last autumn, though far from perfect, yielded fairly positive results. Participation by Serbs and other minorities, while lower than hoped for, was higher than expected. Among ethnic Albanian voters, Ibrahim Rugova's LDK won a clear victory over the PDK and other rivals closely connected to the wartime KLA. After prolonged negotiations, the provincial Assembly, in March of this year, elected Rugova President, with a moderate from the PDK, Bajram Rexhepi, as Prime Minister. While Mr. Rugova's commitment to a democratic and multi-ethnic Kosovo appears legitimate, his ability to contain extremist forces, and prevent attacks on both minorities and his own supporters, will likely remain limited. Furthermore, the ultimate independence of Kosovo remains the stated goal of all Albanian parties in the province, including the LDK.

In light of this situation, a number of observers have taken for granted that the current arrangement is merely a prelude to full independence, at some as yet undetermined date. Under this scenario, the powers ceded by the U.N. to local elected authorities would gradually increase, to eventually encompass foreign policy and border control, as well as such domestic functions as education and tax collection. When these authorities have matured to a point judged satisfactory by the international community, some type of referendum on independence would presumably be scheduled, and a timetable for its attainment established. For most ethnic Albanians in Kosovo, such a process is logical, desirable, and, hopefully, inevitable.

From the point of view of the international community, however, its desirability is another matter entirely. The stated position of the United States, under both Democratic and Republican administrations, has been that the further disintegration of Yugoslavia into ever-smaller successor states is not in our interest. The strong enunciation of this policy has contributed in no small measure to restraining Milo Djukanovic's drive for Montenegrin independence, and helped set the stage for the agreement earlier this year between Serbia and Montenegro on restructuring relations.

Proponents of independence for Kosovo need to consider what the long-term consequences would be of establishing yet another state in that region based on the national aspirations of one constituent ethnic group. Several disturbing questions arise. What would the effect of Kosovo independence be on Montenegro? More critically, how could Bosnia possibly survive as a unitary state (even in its current hybrid form) if Kosovo gains independence? What possible justification could be adduced to hold ethnic Serbs and Croats in that state? If Albanians in the province of Kosovo are permitted an eventual referendum on independence, why not these groups as well? Do we, at that point, give up on the investment of political and financial capital made to create Bosnia?

The question may be asked within Kosovo itself. The elected government has already stated that it does not recognize the border demarcation agreement reached between Yugoslavia and neighboring Macedonia, because of its impact on Kosovo's frontier. If Kosovo is no longer a province of Yugoslavia, what significance do its borders retain? What rationale is there for forcing Mitrovica, and other mostly non-Albanian areas, to remain in an independent Kosovo? Would not a majority vote in that area to secede from Kosovo, and rejoin Yugoslavia, be equally legitimate? Would KFOR find itself in the position of having to fight the Mitrovica Serbs, to keep them a part of this new country?

Assuming these contradictions could be managed (a major assumption), the next issue would be the viability of an independent Kosovo. Given current resources, what would be the economic capability of such a state? Would it remain a ward of the international community in perpetuity? What, realistically, would be the level of effective law enforcement in this nation? In the past three years Kosovo has come to pose a significant transnational crime threat, serving as a conduit for trafficking weapons, drugs, and, most tragically, thousands of women from Eastern Europe and the former Soviet Union forced into prostitution. While an elected Kosovar government, especially one headed by Mr. Rugova, would presumably not support such activities, it would likely be unable to prevent them.

Some optimists continue to hold out hope that an independent Kosovo would not be a de facto monoethnic state. A revealing comment made by a Kosovar Albanian man on the street, interviewed in late 2000, was widely quoted in international media. Asked for his view of Kostunica's triumph over Milosevic in the Yugoslav elections, he dismissed as irrelevant whether or not Kostunica was devoted to democracy, and said the Kosovars would not return to Yugoslavia if the Serbs elected Vaclav Havel as their president. It was illuminating that he did not pick, say, Jacques Chirac or Tony Blair as his random hypothetical democrat, but rather the most internationally respected statesman from a Slavic country. Unfortunately, that comment, and the mindset behind it, call into question the kind of future that Serbs would have in an independent Kosovo.

Perhaps the greatest irony of Kosovo independence, given the support this goal enjoys among Albanians worldwide, would be its effect on Albania itself. That nation, by most estimates the poorest in Europe, is still struggling (with admirable success so far) to consolidate democracy in the wake of the forty year

Hoxha nightmare. Given the extensive clan ties between Kosovo and parts of Northern Albania, the ability of armed and well-funded Kosovar factions (unchecked by KFOR or Yugoslav authorities) to interfere in Albanian internal affairs would be significant. Their activities would further destabilize the sensitive political balance between different regions and parties of Albania. The impact of Kosovo independence on Macedonia's stability is even more disturbing to contemplate.

### Implications for U.S. Policy

Having outlined the challenges that independence poses for regional stability, it is appropriate to turn to the consequences for U.S. foreign policy. One fundamental question has to be answered before all else: why did we go to war over Kosovo? As articulated in 1999, NATO's air campaign was undertaken for humanitarian reasons, because the methods employed by Milosevic to fight the KLA insurgency were seen as unacceptable. NATO's goal of halting the killing and ethnic cleansing of Albanians was accomplished. Many lives were saved, and hundreds of thousands of refugees returned to their homes. The Milosevic regime has fallen from power, and its architect is in The Hague. Now what?

It is impossible to overemphasize how different the war over Kosovo, and especially the U.S. role in it, was from the other wars of succession in the Balkans. Slovenia and Croatia won their independence essentially on their own, though certainly with a blind eye on the West's part to embargo violations on behalf of Croatia, and to atrocities committed by its troops. In Bosnia, limited NATO military action, with strong support to negotiations, hastened a settlement, but the Dayton Accords basically refined and ratified the military facts on the ground -- thereby establishing the problematic dual entity that exists today.

Kosovo was another case entirely. While not ignoring the brutal tactics of the Yugoslav military and police, which could justify military action at the time, the fact remains that they were unquestionably winning the war on the ground before NATO bombing commenced. It is highly unlikely that the KLA would have ultimately prevailed, and it may well have been annihilated as a military force without NATO intervention.

In June 1999, Yugoslavia withdrew its forces from Kosovo in accordance with U.N. Security Council Resolution 1244, the text of which guaranteed the sovereignty and territorial integrity of all nations in the region. The continued status of Kosovo as a part of the Federal Republic of Yugoslavia was clearly inherent in this provision. Had such language not been included, there is no doubt the war would have been longer and bloodier, and NATO ground forces would probably have had to fight their way into Kosovo at heavy cost.

If the international community ultimately decides to hold a referendum on independence for Kosovo -- the results of which would not be difficult to predict -- we will have "won" this war under entirely false pretenses, misleading not only Yugoslavia but the U.N. as well. If we had stated in 1999 that full independence was an objective, would Russia and China have agreed to U.N. Resolution 1244? Would France, or Italy, or most of our other NATO allies have agreed to go to war for that objective?

The creation of an independent Kosovo in this manner would produce a result that no amount of rosy Wilsonian rhetoric about self-determination could disguise. NATO (the U.S., really, when one considers the impetus for the operation) would have militarily intervened on behalf of an ethnic insurgency, and detached by force of arms part of the territory of a sovereign nation with internationally recognized borders.

This is not a trivial point. If that line is crossed, the United States becomes essentially another 19th century European Great Power, no different than the Hapsburgs, Ottomans, and Romanovs, making war in the Balkans at the behest of its favored ethnic client. One does not have to be an isolationist to ask whether this is what the Founding Fathers envisioned. Sponsoring and overseeing Kosovo independence would be a radical departure in U.S. foreign policy. It would be a throwback to the worst days of gunboat diplomacy, similar to our forcible separation of Panama from Colombia, to facilitate the building of the Canal.

Once begun, where would such a process end? How would we then handle the aspirations of the Palestinians, or the Kurds? Why not demand (and enforce with airstrikes) an immediate ceasefire and eventual referendum on independence for Southern Sudan? The crimes perpetrated by the Khartoum regime against its Christian and animist citizens, for the past two decades, consign Milosevic to the amateur league. What about Tibet, or Xinjiang? Do we continue to mix pseudo-realist tough talk about strategic interests in the Balkans with the language of altruism, depending on the mood of the day? Or do we simply tell hundreds of millions of Africans and Asians that the United States cannot allow Europeans to be treated as the Kosovars were?

Given these dire considerations, there is no easy answer to this problem, no perfect solution that readily suggests itself to U.S. decision-makers. However, no one has ever claimed that being a superpower, especially a responsible one, is easy. In the position of political, economic, and military dominance that the U.S. now enjoys, we are, for better or worse, expected to make the hard choices. Furthermore, we need to act fairly soon, in concert with our allies, to lay the groundwork for a permanent settlement.

### **A Way Forward**

There is really only one realistic, long-term solution to this problem. It will be challenging to implement, and difficult to swallow for a number of people, in both Kosovo and the United States. It is time to begin planning how to negotiate, oversee, and monitor the gradual return of Kosovo to some form of Yugoslav authority. Continuing to put the decision off indefinitely, leaving Kosovo in its quasi-sovereign limbo, serves no one's interests.

This will require creative thinking, and a new approach to the concept of sovereignty. A long-term international presence, probably a combination of the U.N., EU and OSCE, will be essential. Both Yugoslavia (to include the Kosovar Serbs) and the Kosovar Albanians will have to compromise. The former will have to accept limits to its authority over the province, and a high level of international oversight. The latter will have to realize that their dream of complete independence is not feasible.

The modalities for implementing this solution would be complex, and require a more thorough analysis than is possible here. Initial steps might include the introduction of ethnically mixed Yugoslav police (such as the units who now patrol the neighboring Presevo Valley), to begin protecting Serbian religious and cultural sites, a duty that consumes an inordinate amount of KFOR effort. At first, these officers could patrol jointly with the Kosovo Police Service (KPS) that the U.N. has created. Eventually, they could provide a bridge for incorporating KPS personnel into Yugoslav law enforcement structures. Presumably the deployment of the Yugoslav army would be limited to a presence at the borders, sufficient to interdict weapons and armed groups attempting to cross to or from Albania and Macedonia. The eventual performance of these activities by Yugoslav personnel is specifically authorized by U.N. Resolution 1244.

Some recent events suggest grounds for optimism. In the spring, Kosovar Serb political parties finally agreed to participate in the provincial government, and to name an advisor to the U.N. administration on refugee returns. Yugoslavia has announced the release of Kosovar Albanian prisoners held since 1999, and the Yugoslav Minister of Justice published a list of over twenty war crimes suspects who will be sent to The Hague. In response to this announcement, the former chief of the Yugoslav General Staff voluntarily surrendered to the International Tribunal, and more surrenders are expected.

For the reintegration of Kosovo to work, it is essential that KFOR not run out at the first opportunity. Troop levels can and should be gradually reduced, especially in light of requirements in Central Asia and other regions. Nevertheless, a long-term presence, especially of U.S. forces, will be necessary. In some areas joint KFOR-Yugoslav patrols, despite the inherent risks, would be needed to begin the transition. A strong and visible American presence will be critical in reassuring ethnic Albanians during this period. In addition, the continued presence of the world's most multi-ethnic military, one that is not tied to traditional alliances in the region, creates a powerful symbol for Kosovars from all communities.

Under this arrangement, Yugoslavia would have to agree to a level of autonomy for the province at least equal to that revoked by Milosevic in 1989. International advisors should work with representatives of all ethnic communities to adapt for Kosovo's specific needs useful models, perhaps along the lines of Swiss cantons or certain regions within EU nations, such as Catalonia and Scotland. Continued economic assistance and infrastructure development will be essential. As in all areas of recent conflict, it is critical to give warring parties a stake in not disturbing the peace, and in working together for the common good.

This process will require years of hard work, but if successful it can serve as a model for solving future crises in other parts of the world. Put simply, the international community cannot afford a future of endless fragmentation, in which insurgencies worldwide seek to provoke brutal responses from oppressive governments, in order to induce the United States to intervene.

Most Albanians would be dismayed to hear this suggestion. What is proposed, however, is not a return to the repression of the Milosevic years, but integration into a new Yugoslavia, based on a concept of nationhood appropriate to the 21st century. On March 24, 1999, the day NATO's air campaign began, President Bill Clinton, in his address to the nation, stated "By acting now, we are upholding our values, protecting our interests, and advancing the cause of peace." Let us now find the long-term solution that best accomplishes those worthy goals.

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